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CERTIFICATE OF MAILING

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God. Schwarz

PATENT

Attorney Docket No. 39754-0831CP2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application)

Inventor(s): Tsien, R. et al.)

Application No.: 09/866,538)

Filed: May 24, 2001)

Title Non-Oligomerizing Tandem Fluorescent Proteins)

Art Unit: 1653

Examiner: Kam, Chih Min

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Listed below on an attached Form PTO-1449 is information known to applicant(s). A copy of each listed publication and U.S. and foreign patent, along with a concise explanation of information in a foreign language, if any, except for pending U.S. applications is attached or is identified with an asterisk as having been previously cited in priority U.S. Patent Application No.: **09/794,308; filed 02/26/01** pursuant to 37 C.F.R. §1.97-1.98(d).

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. The Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

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- ☐ This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):
- ☐ (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)
-- OR --
- ☐ (2) It is being filed within 3 months of entry of a national stage
-- OR --
- ☐ (3) It is being filed before the mail date of the first Office Action on the merits
-- OR --
- ☐ (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.
- ☒ 37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:
- ☐ a certification as specified in §1.97(e) is provided below; or
- ☒ a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☐ 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:
- A. a certification as specified in §1.97(e) is completed below; and
- B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; and
- C. a fee of \$130.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☒ **Fee Authorization.** The Commissioner is hereby authorized to charge the above-referenced fees of \$180.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 08-1641 (Docket No. 39754-0831CP2).

Respectfully submitted,

HELLER EHRMAN WHITE & MCAULIFFE LLP

Dated: October 23, 2003

By: James A. Fox

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INFORMATION DISCLOSURE STATEMENT PTO-1449			ATTY. DOCKET NO. 39754-0831CP2		SERIAL NO. 09/866,538		
			APPLICANT Tsien, R. et al.				
			FILING DATE 05/24/01		GROUP: 1653		
U.S. PATENT DOCUMENTS							
EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE	
FOREIGN PATENT DOCUMENTS							
EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	*WO 00/34526	6/15/00	PCT	C12Q	1/68	<input type="checkbox"/>	<input type="checkbox"/>
	*WO 00/34326	6/15/00	PCT	C07K	14/435	<input type="checkbox"/>	<input type="checkbox"/>
	*WO 01/62919	8/30/01	PCT	C12N	15/12	<input type="checkbox"/>	<input type="checkbox"/>
	*WO 01/96373	12/20/01	PCT	C07K	14/00	<input type="checkbox"/>	<input type="checkbox"/>
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
	*Campbell et al. "A monomeric red fluorescent protein" <i>PNAS</i> 99(12):7877-7882 (2002)						
	*Tsien, R. "Rosy dawn for fluorescent proteins" <i>Nature Biotechnology</i> 17: 956-957 (1999) and Nucleotide search results, Accession No. AF168419						
EXAMINER			DATE CONSIDERED				

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.